

Monthly Legal Alert
Issue 3, 01-29 April 2016**1. LEGISLATIVE DEVELOPMENTS****1.1 The Parliament has adopted Parliamentary Recommendations on Internally Displaced Persons.**

On 31 March 2016 the Parliament has adopted Recommendations of the Parliamentary Hearings on IDPs (<http://zakon5.rada.gov.ua/laws/show/1074-19>). The Cabinet of Ministers of Ukraine (CMU) has to inform the Parliament on the recommendations progress made prior to 01 June 2016.

We would target and monitor the following recommendations:

1.1.1 Recommendations to the Parliament:

- To abolish the Law of Ukraine On Free Economic Zone in Crimea to address the practice of acknowledging Crimea residents as non-residents in the government-controlled area of Ukraine (GCA)
- To consider the Draft Law On Compulsory Pension Insurance and the Draft Decree to ensure the right to pension for people residing in the non-government controlled areas of Ukraine (NGCA) and its timely payment ([link to the Draft Law and Decree](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?pf3516=4257&skl=9) http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_2?pf3516=2065&skl=9)

1.1.2 Recommendations to the Cabinet of Ministers:

- To elaborate Draft Law on administrative procedure of registration of births and deaths in Crimea and NGCA and present it to the Parliament for approval and adoption
- To elaborate special taxation mechanism for leasing property to IDPs
- To harmonize CMU Resolution 509 on IDP Registration with the Law 921 to address the issues of registration of place of residence and the possibility of being registered as an IDP even without the previously registered place of residence in NGCA/Crimea/contact line.
- To elaborate a Program of Repairing of Demolished and Damaged Property in the GCA

1.2. Two new education-related Draft Laws 3832 and 4350 adopted

On 05 April 2016 the Law amending Article 7 of the Law On Rights and Freedoms and the Regime of the Temporarily Occupied Territories came into force (http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=57956). The second legislative act was enacted by the Parliament on 19 April 2016, for the moment pending signing by the President (http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=58600).

Despite adoption of two new laws, the access to education for the conflict-affected children and children living in temporarily occupied territories remains restricted.

According to the amendments:

- children residing in the temporarily occupied territories have the right to finish school and pass their State Attestation in GCA
- Ministry of Education should develop procedure for recognition of qualifications for students who have received higher education in the temporarily occupied territories (after 20 February 2014)

Issues and Concerns

- Amendments do not solve the problem with access to higher education for children graduating schools this year as they are not exempted from State Attestation which is required for obtaining GCA school diplomas and entering Universities
- State Attestation procedure for children living in NGCA and at the contact line will be defined by the Ministry of Education.
We suppose that the Ministry might suggest exemption from the Attestation on the whole or some other beneficial regulations. However, at the moment no such regulations are enacted
- We remind that exemption from Final State Attestation for NGCA/Crimea students was prescribed by the Action Plan to Human Rights National Strategy, since additional crossing of the contact line for the attestation creates security concerns and thus obstacles for entering a university for the students concerned.

1.3. State registration of titular rights for property situated in NGCA and the Crimea is possible throughout GCA

On 05 April 2016 the Ministry of Justice Order No. 898/5 came into force (<http://zakon3.rada.gov.ua/laws/show/z046816>). The Order

- abolishes the restriction to register titular rights for property situated in NGCA/Crimea. Previously such registration was allowed only in several designated oblasts
Now citizens can register their titular rights throughout GCA.

2. POLITICAL DEVELOPMENTS

2.1. New Cabinet of Ministers voted in on 14 April 2016

- A new ministry is introduced – Ministry for Occupied Territories and Internally Displaced People, which would cover NGCA and Crimea issues, headed by Mr. Vadym Chernysh
- In accordance with the CMU Decree (<http://zakon5.rada.gov.ua/laws/show/299-2016-%D0%BF>) the newly-created ministry will incorporate the Donbass Recovery Agency, whose former Head has become the Minister and the State Agency for Temporarily occupied Crimea and city of Sevastopol

2.1.1. Due to resignation, the old CMU has withdrawn from the Parliament the draft laws that were actively lobbied and endorsed previously. Among the withdrawn on 14 April 2016 are the following:

- Draft Law 3044, stipulating that IDPs will become a separate category for State free legal aid (http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=56391)
As for now IDPs are not subject for State free legal aid, unless they fall under one of the existing “extremely vulnerable” categories
- Draft Law 4137 On Demining Activity, stipulating the necessary legislative basis for awareness-raising campaigns, actual demining activities, etc (http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=58267)

2.2. Update on suspension of IDP payments, pensions and IDP registration

As for the date of this alert, the suspension of social payments and pensions (and IDP registration) is ongoing. No unified renewal procedure is elaborated. We suggest the situation might improve due to changes in CMU.

3. EVENTS

DRC Legal Assistance Unit is the ad hoc host for series of monthly Round Tables on Access to Justice and related Advocacy. The Round Tables aim to tackle the existing problems with access to justice and deficient legislation through proposing amendments into existing legislation and advocating for fair regulation of the most prominent IDP issues.

The tentative agenda for the upcoming May Round Table would be the following:

- establishing safeguards for illegally occupied civilians' properties in the 'grey zones', including documentation of eviction and/or occupation of the private property
- establishing safeguards for mortgage beneficiaries, whose mortgaged property was severely damaged or destroyed
- abolishing the state attestation for NGCA/Crimean residents who wish to enter universities in GCA
- remove limitation of 2400 UAH social payment per family

We invite other national and international humanitarian actors to participate and to contribute to the agenda and discussion.

The approximate date of the next Round Table is 25th May, at DRC LAU office at 33 Shevchenka blvd, 8th floor, Kyiv.

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